

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
PATRICK B. McDONNELL
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Deputy City Attorneys



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800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
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February 21, 2005

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

Re: Communication from Attorney Laurie A. Eggert, Eggert & Cermele, S.C.
for legal fees for Police Officers Eric Fjeld
C.I. Claim File No. 03-S-347; EC 1914

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Eric Fjeld. The claim is in the amount of \$4,889.50 including \$60.50 in disbursements for 43.90 hours of service billed at the rate of \$110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by a criminal investigation. No criminal charges were brought against the police officer on whose behalf this claim was filed.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Wis. Stat. § 895.35, *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,


GRANT F. LANGLEY
City Attorney


JAN A. SMOKOWICZ
Assistant City Attorney
JAS:enm
Enc.

90468/ 1032-2003-2890.005

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BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
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HAZEL MOSLEY
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THOMAS J. BEAMISH
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Assistant City Attorneys

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
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Rachel L. Schneider

1840 North Farwell Avenue
Suite 303
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(414) 276-8750
FAX (414) 276-8906

September 3, 2003

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

MILWAUKEE
2003 SEP 05 PM 3:06
MILWAUKEE CITY CLERK

**RE: MPD Criminal Investigation of PO Eric Fjeld
Allegations Regarding Mr. Michael D. Gardipee suicide
Date of Incident: January 19, 2003
Location of Incident: District #2
EC No.: 1914**

Dear Mr. Leonhardt:

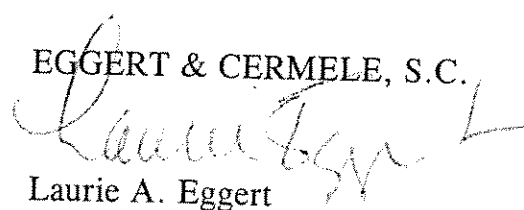
The above-named police officer has retained us to represent him in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent him, and as he was performing the duties of his office at the time of the events giving rise to the incident, the claim is hereby made on his behalf for the indicated legal fees. This incident involved a suicide while in custody.

The MPD conducted a criminal investigation and investigated the suicide as a critical incident. IAD compelled PO Fjeld to give a statement after issuing a PI-21. The DA conducted an inquest and declined to issue any charges after the jury ruled it a suicide. Attached is a copy of the DA's letter and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.



Laurie A. Eggert
Attorney at Law

2/15/05
O.T.
JRS

LAE/ldl
attachment
FIELD

Letter 2276

MILWAUKEE
2003 SEP 05 PM 3:06
MILWAUKEE CITY CLERK

EGGERT & CERMELE, S.C.

Attorneys at Law

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(414) 276-8750
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September 03, 2003

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee WI 53202

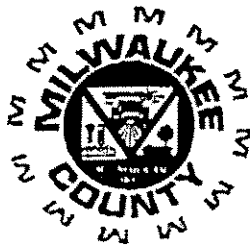
RE: MPD Criminal Investigation re: Mr. Michael D. Gardipee suicide
Regarding: PO Eric Fjeld
Date of Incident: January 19, 2003
Location of Incident: District #2
Professional services

	<u>Hours</u>
1/19/2003 Telephone call from client; appearance at criminal investigation; conference with client; statements to DA McCann; PI-21 interview; memo to file; travel; telephone call from arresting officer.	6.70
1/20/2003 Memo to file; computer search regarding Gardipee.	0.80
1/22/2003 Review of file; memo to file; telephone call to client; telephone call to District #2.	0.70
1/23/2003 Conference with witness.	0.20
2/3/2003 Telephone call from and to client; telephone call to McCann; memo to file; review of file; correspondence to Medical Examiner; computer search update.	1.10
2/11/2003 Telephone call from client; memo to file.	0.40
3/4/2003 Telephone call from client; telephone call to McCann; memo to file.	0.40
3/17/2003 Telephone call from and to client; telephone call to DA; memo to file; review of file.	0.70
3/18/2003 Preparation for and appearance at scheduling conference; travel; memo to file; conference with DA; telephone call to client; telephone call from DA.	2.80

	<u>Hours</u>
4/10/2003 Review of correspondence from Atty. Martz.	0.10
4/29/2003 Review of file; telephone call to and from Lt. Balish; telephone call to Medical Examiner; telephone call to client.	0.80
4/30/2003 Review booking room video; memo to file; conference with CIB; travel.	2.20
5/8/2003 Review of file; telephone call to client; telephone call to DA; telephone call to Medical Examiner.	0.80
5/12/2003 Telephone calls from and to DA.	0.40
5/16/2003 Conference with client; telephone call to Medical Examiner; review of file.	1.60
5/20/2003 Obtain and review Medical Examiner's report; telephone call to and from client; travel.	2.90
5/21/2003 Preparation for and attendance at inquest; review booking video; conference with client; conference with DA.	8.50
5/22/2003 Conference with witnesses and DA; attend inquest; conference with investigator, DA and witnesses.	6.80
5/23/2003 Appearance at inquest; conference with DA; conference with investigator; review jury instructions and proposed verdict form; memo to file; travel; telephone call to client.	3.30
6/9/2003 Telephone call from client; telephone call to DA; memo to file.	0.20
6/16/2003 Telephone call from and to client.	0.30
6/17/2003 Conference with DA's office; memo to file.	0.20
6/26/2003 Telephone call from client; correspondence to McCann; telephone call to client.	0.80
6/30/2003 Revise correspondence to McCann.	0.10
7/10/2003 Conference with McCann; memo to file.	0.10

	<u>Hours</u>	
7/11/2003 Telephone call to client.	0.10	
7/24/2003 Review of correspondence from DA McCann; telephone call to client; telephone call to FPC; correspondence to client; close file.	0.90	
	<u>43.90</u>	<u>Amount</u>
For professional services rendered		\$4,829.00
Additional charges:		
3/18/2003 Parking		8.00
4/30/2003 Parking		5.00
5/20/2003 Parking		4.00
Medical Examiner's Report		19.50
5/21/2003 Parking		11.00
5/22/2003 Parking		9.00
5/23/2003 Parking		4.00
Total costs		<u>\$60.50</u>
Total amount of this bill		<u>\$4,889.50</u>
Balance due		<u><u>\$4,889.50</u></u>

(Rate: \$110.00 per hour)



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

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John C. Aguado
Stephen W. Sawyer
Elizabeth Wheeler
Megan J. Weaver
Cathy I. Huebner
Celia Kiddet

July 17, 2003

Chief Arthur Jones
Milwaukee Police Department
749 W. State St., Rm. 705A
Milwaukee, WI 53233

Dear Chief Jones:

In the early morning hours of January 19, 2003, Michael D. Gardipee, d.o.b. 08-27-1961, attempted suicide by hanging himself in a cell at the 2nd District police station of the Milwaukee Police Department. The booker-lockup officer, P.O. Eric J. Fjeld, undertook intervention and paramedics were summoned. Mr. Gardipee was conveyed to St. Luke's Medical Center and died there on January 21, 2003 from complications incident to the attempted suicide. A Milwaukee County inquest jury on May 23, 2003 found probable cause to believe that Mr. Gardipee's death was a suicide. Judge Dennis Moroney with my agreement determined that there were no grounds to instruct the jury on a criminal offense by any officer, and no such instruction was given. I am satisfied that no officer committed an offense.

I was advised by Marty Drapkin, Jail Officer Training Coordinator for the Department of Justice, Training and Standards Bureau, that no statute or regulation requires your department to provide special training to officers who serve as booker-lockup officers in municipal lockups. This contrasts with the many hours of training required of deputies who will serve as jailers. The responsibilities are different, but in the area of suicide prevention, there is some overlap.

It appears that the Milwaukee Police Department provides only on-duty training for the booker-lockup responsibilities. A new officer assigned the booker-lockup operation receives one or more shifts of one-on-one training from an officer who has already performed as a booker-lockup officer. When asked what he had been trained to do when he saw Mr. Gardipee, apparently in the process of hanging himself, Officer Fjeld answered that he had not been trained in that particular regard. With various officers providing the one-on-one training, I suspect that there are wide variations in the quality of training for this responsibility. My belief is that a consistent, higher quality of training would be provided were the responsibility for such training to be placed in the Police Academy. I do not know how many hours of academy training would be needed to ideally prepare an officer for performing the booker, and particularly, the lockup function.

Sincerely yours,

[Signature of E. Michael McCann]

E. Michael McCann
District Attorney

EMM:ss

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 16, 2003

TO: P.O. ERIC FJELD
DISTRICT TWO

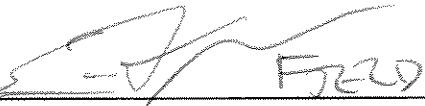
RE: Receipt of Legal Services from Law Firm of
Attorney

Attorney Laurie Eggert has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

- 1) An incident occurring on JANUARY 19, 2003
- 2) A citizen's complaint made by MICHAEL GARDIPEE
- 3) A police shooting incident occurring on N/A


Is this information correct? YES X NO _____

Did you receive legal representation in this matter? YES X NO _____

Your signature: 

Print your name: ERIC FJELD

Upon completion, please return this memorandum to the Internal Affairs Division at the Police Academy (Room 325) as soon as possible.


Steven M. Settingsgaard
Police Commander
Internal Affairs Division

MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

03 SEP 19 AM 11:55

RECEIVED

SMS:kjs